

# **Exhibit 1**

PAUL J. RIEHLE (SBN 115199)  
paul.riehle@faegredrinker.com  
**FAEGRE DRINKER BIDDLE & REATH LLP**  
Four Embarcadero Center, 27th Floor  
San Francisco, CA 94111  
Telephone: (415) 591-7500  
Facsimile: (415) 591-7510

Christine A. Varney (*pro hac vice*)  
cvarney@cravath.com  
Katherine B. Forrest (*pro hac vice*)  
kforrest@cravath.com  
Gary A. Bornstein (*pro hac vice*)  
gbornstein@cravath.com  
Yonatan Even (*pro hac vice*)  
yeven@cravath.com  
Lauren A. Moskowitz (*pro hac vice*)  
lmoskowitz@cravath.com  
M. Brent Byars (*pro hac vice*)  
mbyars@cravath.com  
**CRAVATH, SWAINE & MOORE**  
825 Eighth Avenue  
New York, New York 10019  
Telephone: (212) 474-1000  
Facsimile: (212) 474-3700

*Attorneys for Plaintiff Epic Games, Inc.*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

EPIC GAMES, INC., a Maryland Corporation,

Plaintiff,

Case No. 3:20-cv-05671-JD

1

GOOGLE LLC; GOOGLE IRELAND LIMITED; GOOGLE COMMERCE LIMITED; GOOGLE ASIA PACIFIC PTE. LTD.; and GOOGLE PAYMENT CORP.,

# EPIC GAMES, INC.'S RESPONSES AND OBJECTIONS TO GOOGLE'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO EPIC GAMES, INC.

## Defendants.

2 Subject to and without waiving the foregoing General and Specific Objections, Epic  
3 will perform a reasonable search for documents pursuant to the Search Protocol and will produce  
4 responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through  
5 that search.

6 **REQUEST FOR PRODUCTION NO. 26:** All Documents Relating to Your  
7 inability to or decision not to Distribute each of Your Apps and In-App Products through any Other  
8 App Store because of any act by Google, including, but not limited to, as a result of any provision  
9 of the Developer Distribution Agreement.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:** Epic objects on the  
11 grounds that the Request is overly broad and unduly burdensome and seeks documents that are not  
12 proportional to the needs of the case. Epic further objects to the extent the Request seeks documents  
13 protected by the attorney-client privilege, the work product doctrine and/or any other applicable privilege or  
14 protection.

15 Subject to and without waiving the foregoing General and Specific Objections, Epic  
16 will perform a reasonable search for documents pursuant to the Search Protocol and will produce  
17 responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through  
18 that search.

19 **REQUEST FOR PRODUCTION NO. 27:** All Documents Relating to Your  
20 inability to or decision not to Distribute each or any of Your Apps and In-App Products through any  
21 App Store because of any act by a Person other than Google.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:** Epic objects on the  
23 grounds that the Request is overly broad and unduly burdensome and seeks documents that are not  
24 proportional to the needs of the case. Epic further objects to the Request as vague and ambiguous,  
25 including the phrase “because of any act by a Person other than Google”. Epic further objects to  
26 the extent the Request purports to require Epic to draw subjective or legal conclusions, or is  
27 predicated on subjective or legal conclusions or arguments. Epic further objects to the extent the  
28 Request seeks documents protected by the attorney-client privilege, the work product doctrine

2 Subject to and without waiving the foregoing General and Specific Objections, Epic  
3 will perform a reasonable search for documents pursuant to the Search Protocol and will produce  
4 responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through  
5 that search.

6 **REQUEST FOR PRODUCTION NO. 28:** All Documents Relating to the  
7 compatibility or incompatibility of Your App Products across OSs, including, but not limited to,  
8 whether the personal information, account details, settings, or data a User shares, inputs, or selects  
9 on Your Apps on an Android Device is available and accessible to the User on an Apple Device or  
10 other Platform, and vice versa.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:** Epic objects on the  
12 grounds that the Request is overly broad and unduly burdensome and seeks documents that are not  
13 proportional to the needs of the case. Epic further objects to the extent the Request is duplicative of  
14 other Requests, including Request No. 29.

15 Subject to and without waiving the foregoing General and Specific Objections, Epic  
16 will perform a reasonable search for documents pursuant to the Search Protocol and will produce  
17 responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through  
18 that search.

19 **REQUEST FOR PRODUCTION NO. 29:** All Documents Relating to the  
20 compatibility or incompatibility of Your In-App Products across OSs, including, but not limited to,  
21 whether the In-App Products a User purchases on Your Apps on an Android Device are available  
22 and accessible to the User on an Apple Device or other Platform, and vice versa.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:** Epic objects on the  
24 grounds that the Request is overly broad and unduly burdensome and seeks documents that are not  
25 proportional to the needs of the case. Epic further objects to the extent the Request is duplicative of  
26 other Requests, including Request No. 28.

27 Subject to and without waiving the foregoing General and Specific Objections, Epic  
28 will perform a reasonable search for documents pursuant to the Search Protocol and will produce

1 responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through  
2 that search.

3 **REQUEST FOR PRODUCTION NO. 30:** All Documents Relating to the ability  
4 or inability of Unreal Engine to reduce multiplatform development costs.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:** Epic objects on the  
6 grounds that the Request is overly broad and unduly burdensome and seeks documents that are not  
7 proportional to the needs of the case.

8 Subject to and without waiving the foregoing General and Specific Objections, Epic  
9 will perform a reasonable search for documents pursuant to the Search Protocol and will produce  
10 responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through  
11 that search.

12 **REQUEST FOR PRODUCTION NO. 31:** All Documents Relating to the  
13 differences, if any, between the Apps You Developed or are Developing for Android OS and Apple  
14 iOS, including, but not limited to, differences in design, functionality, performance, features, price,  
15 development costs, monetization strategy, or display of in-app advertising.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:** Epic objects on the  
17 grounds that the Request is overly broad and unduly burdensome and seeks documents that are not  
18 proportional to the needs of the case.

19 Subject to and without waiving the foregoing General and Specific Objections, Epic  
20 will perform a reasonable search for documents pursuant to the Search Protocol and will produce  
21 responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through  
22 that search.

23 **REQUEST FOR PRODUCTION NO. 32:** All Documents Relating to prices, Fees,  
24 services, and terms of use of the Epic Payment Tool in connection with Your Distribution of Apps  
25 and In-App Products on Epic Games Store.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:** Epic objects on the  
27 grounds that the Request is overly broad and unduly burdensome and seeks documents that are not  
28 proportional to the needs of the case. Epic further objects to the extent the Request seeks

proportional to the needs of the case. Epic further objects to the extent the Request seeks documents already in Google's possession.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

**REQUEST FOR PRODUCTION NO. 42:** All Documents Relating to Your decision not to Distribute Your App or In-App Products through a Distribution Channel or App Store other than Google Play because of (a) Google's purported restrictions on Downloading competing App Stores through Google Play, or (b) any other reason.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 42:** Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request seeks documents protected by the attorney-client privilege, the work product doctrine and/or any other applicable privilege or protection. Epic further objects to the Request to the extent it assumes facts that are not accurate or the occurrence of events that did not take place.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

**REQUEST FOR PRODUCTION NO. 43:** All Documents Relating to any actions by Google that restricted or limited Your ability to access, Distribute, or sell Your Apps or In-App Products through a Distribution Channel other than Google Play.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 43:** Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request is duplicative of other Requests, including Request No. 20.

Subject to and without waiving the foregoing General and Specific Objections, Epic

1 grounds that the Request is overly broad and unduly burdensome and seeks documents that are not  
2 proportional to the needs of the case. Epic further objects to the extent the Request purports to  
3 require Epic to draw subjective conclusions, or is predicated on subjective conclusions or  
4 arguments. Epic further objects to the extent the Request seeks information that is publicly  
5 available. Epic further objects to the extent the Request seeks documents that are not in Epic's  
6 possession, custody or control. Epic further objects to the extent the Request seeks documents  
7 already in Google's possession.

8 Subject to and without waiving the foregoing General and Specific Objections, Epic  
9 will perform a reasonable search for documents pursuant to the Search Protocol and will produce  
10 responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through  
11 that search.

12 **REQUEST FOR PRODUCTION NO. 49:** All Documents Relating to Your  
13 strategy, plans, or efforts to market, publicize, advertise, or monetize Your Apps and In-App  
14 Products on different App Stores or Platforms, including, but not limited to, strategies, plans, or  
15 efforts to increase the number of users on Your Apps, the volume of Downloads of Your Apps, and  
16 the number of In-App purchases.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49:** Epic objects on the  
18 grounds that the Request is overly broad and unduly burdensome and seeks documents that are not  
19 proportional to the needs of the case. Epic further objects to the extent the Request seeks  
20 documents protected by the attorney-client privilege, the work product doctrine and/or any other  
21 applicable privilege or protection. Epic further objects to the extent the Request seeks information  
22 that is publicly available.

23 Subject to and without waiving the foregoing General and Specific Objections, Epic  
24 will perform a reasonable search for documents pursuant to the Search Protocol and will produce  
25 responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through  
26 that search.

27 **REQUEST FOR PRODUCTION NO. 50:** All Documents Relating to Your plans  
28 to develop and Distribute Apps and In-App Products, including, but not limited to, the particular

Platform and App Store through which You are, or are planning to, Distribute Your Apps and In-  
App Products.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 50:** Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request seeks documents protected by the attorney-client privilege, the work product doctrine and/or any other applicable privilege or protection.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

**REQUEST FOR PRODUCTION NO. 51:** All Documents Relating to Your decision not to develop or launch an App Store on Android.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 51:** Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request seeks documents protected by the attorney-client privilege, the work product doctrine and/or any other applicable privilege or protection.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

**REQUEST FOR PRODUCTION NO. 52:** All Documents Relating to the number of Android Device users that have installed Your Apps via Sideloaded.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 52:** Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request is duplicative of other Requests, including Request Nos. 11 and 23.

1 that search.

2                   **REQUEST FOR PRODUCTION NO. 64:** All Documents Relating to Your  
3 analysis of the advantages and disadvantages of Distributing Your Apps through Other App Stores,  
4 including, but not limited to, Pricing Models, target users, Distribution, competition, revenue, sales,  
5 profits, or market share.

6                   **RESPONSE TO REQUEST FOR PRODUCTION NO. 64:** Epic objects on the  
7 grounds that the Request is overly broad and unduly burdensome and seeks documents that are not  
8 proportional to the needs of the case. Epic further objects to the extent the Request seeks  
9 documents protected by the attorney-client privilege, the work product doctrine and/or any other  
10 applicable privilege or protection.

11                   Subject to and without waiving the foregoing General and Specific Objections, Epic  
12 will perform a reasonable search for documents pursuant to the Search Protocol and will produce  
13 responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through  
14 that search.

15                   **REQUEST FOR PRODUCTION NO. 65:** All Documents Relating to Your  
16 analysis of the advantages and disadvantages of Distributing Your Apps via Sideload, including,  
17 but not limited to, Pricing Models, target users, Distribution, competition, revenue, sales, profits, or  
18 market share.

19                   **RESPONSE TO REQUEST FOR PRODUCTION NO. 65:** Epic objects on the  
20 grounds that the Request is overly broad and unduly burdensome and seeks documents that are not  
21 proportional to the needs of the case. Epic further objects to the extent the Request seeks  
22 documents protected by the attorney-client privilege, the work product doctrine and/or any other  
23 applicable privilege or protection.

24                   Subject to and without waiving the foregoing General and Specific Objections, Epic  
25 will perform a reasonable search for documents pursuant to the Search Protocol and will produce  
26 responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through  
27 that search.

28                   **REQUEST FOR PRODUCTION NO. 66:** Documents sufficient to show how You

2 Subject to and without waiving the foregoing General and Specific Objections, Epic  
3 will perform a reasonable search for documents pursuant to the Search Protocol and will produce  
4 responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through  
5 that search.

6 **REQUEST FOR PRODUCTION NO. 75:** All Documents, including analyses,  
7 Relating to Users' access to Your App or In-App Products through multiple Platforms, App Stores,  
8 or Distribution Channels.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 75:** Epic objects on the  
10 grounds that the Request is overly broad and unduly burdensome and seeks documents that are not  
11 proportional to the needs of the case. Epic further objects to the Request as vague and ambiguous,  
12 including the phrase "Relating to Users' access to Your App or In-App Products through multiple  
13 Platforms, App Stores, or Distribution Channels". Epic further objects to the extent the Request  
14 seeks documents that are not in Epic's possession, custody or control.

15 Subject to and without waiving the foregoing General and Specific Objections, Epic  
16 will perform a reasonable search for documents pursuant to the Search Protocol and will produce  
17 responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through  
18 that search.

19 **REQUEST FOR PRODUCTION NO. 76:** All Documents Relating to the barriers  
20 and switching costs, as those terms are used in Your Complaint, to Distributing Your Apps or In-  
21 App products through a new or different Platform, App Store, or Distribution Channel.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 76:** Epic objects on the  
23 grounds that the Request is overly broad and unduly burdensome. Epic further objects to the extent  
24 the Request is duplicative of other Requests, including Request Nos. 87 and 88.

25 Subject to and without waiving the foregoing General and Specific Objections, Epic  
26 will perform a reasonable search for documents pursuant to the Search Protocol and will produce  
27 responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through  
28 that search.

proportional to the needs of the case. Epic further objects to the extent the Request seeks documents protected by the attorney-client privilege, the work product doctrine and/or any other applicable privilege or protection. Epic further objects to the extent the Request is duplicative of other Requests, including Request Nos. 13 and 64.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

**REQUEST FOR PRODUCTION NO. 86:** All Documents Relating to Your decisions not to Distribute Your Apps and In-App Products through Amazon Appstore, Aptoide, LG Electronics App Store, and each other App Store that You have decided not to use as a Distribution Channel for Your Apps and In-App Products.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 86:** Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the extent the Request seeks documents protected by the attorney-client privilege, the work product doctrine and/or any other applicable privilege or protection. Epic further objects to the extent the Request is duplicative of other Requests, including Request Nos. 13 and 85.

Subject to and without waiving the foregoing General and Specific Objections, Epic will perform a reasonable search for documents pursuant to the Search Protocol and will produce responsive, non-privileged documents, if any, from the Relevant Time Period that it locates through that search.

**REQUEST FOR PRODUCTION NO. 87:** All Documents Relating to the costs to or impact on users of Your App from switching from an Android Device to an Apple Device or vice-versa.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 87:** Epic objects on the grounds that the Request is overly broad and unduly burdensome and seeks documents that are not proportional to the needs of the case. Epic further objects to the Request as vague and ambiguous,